REMARKS/ARGUMENTS

This Amendment is being filed in response to the Final Office Action dated November 17, 2009. Reconsideration and allowance of the application in view of the amendments made above and the remarks to follow are respectfully requested.

Claims 26-30 are pending in the Application. Claims 31-40 are canceled herein, without prejudice. The Applicants respectfully reserve the right to reintroduce subject matter deleted herein, either at a later time during the prosecution of this application or any continuing applications. Claim 26 is the sole independent claim.

In the Final Office Action, claims 26-30 are rejected under 35 U.S.C. §103(a) over U.S. Patent No. 6,574,417 to Lin ("Lin") in view of U.S. Patent Publication No. 2004/0078382 to Mercer ("Mercer"). These rejections are respectfully traversed. It is respectfully submitted that claims 26-30 are allowable over Lin in view of Mercer for at least the following reasons.

Lin shows a system that preprocesses one of several different data formats ("recordable DVD standard may be incompatible with the file structure and navigation data requirements of a program encoded to a different standard such as a read-only DVD format",

see, Lin, Col. 3, lines 21-25) prior to storing a given data format

on a disk (see, Lin, Col. 3, lines 36-44).

So, while it is true that Lin "adaptively generates and

processes-file structure and navigation data of different data

format", it does so by a "processing system [that] encodes a video

program into a generic data format (as exemplified in FIG. 1) that

is compatible with recordable and read-only video processing

devices." (See, Lin, Col. 3, lines 36-44.)

As clear from Lin, Lin (emphasis added, see, Lin, Col. 3, line

61 through Col. 4, line 8):

> minimizes the burden of generating such file structure and
> navigation data by advantageously adaptively generating and
> processing data in distinct modes. These modes comprise,
> (a) pre-processing, (b) contemporaneous and (c) post-
> processing modes. The pre-processing mode precedes a
> program recording or format conversion operation. The
> contemporaneous mode occurs during a program recording or
> format conversion operation. Further, the pre-processing
> and contemporaneous modes may each involve creating pre-
> formed data fields for subsequent insertion of file
> structure and navigation parameters. The post-processing
> mode occurs after program recording or format conversion
> and involves inserting file structure or navigation
> parameters in the pre-formed data fields.

Accordingly, the preprocessing mode of Lin, discussed in Col.

5, line 53 though Col. 6, line 5 and cited in the Final Office

Action (see, Final Office Action, page 3) that operates on the

different file formats (recordable DVD standard and read-only DVD format), is a preprocessing step that precedes recording of data on a data medium. As stated in Lin, "Pre-processing mode involves processing information that is obtainable prior to program recording." (See, Lin, Col. 5, lines 53-54, cited in the Final Office Action, emphasis added.)

As is clear from Lin, "[i]n recording a new video program set, information items 701-716 are recorded and dummy data is incorporated for subsequent update in post-processing." (See, Lin, Col. 7, lines 1-3, emphasis added.) Lin states that "[p]rogram chain information 705 and menu program chain information unit table 707 are updated to reflect the new changed number of programs and cells. Note, items 705 and 707 contain data related to program control for a video tile set and its associated menu. Navigation commands (NextPGC, PreviousPGC, GoUp PGC, PG playback mode, and Still Time Value) are recorded as dummy commands (NOP) if the navigation destination is unknown at this stage." (See, Lin, Col. 7, lines 23-31, emphasis added.)

In other words as shown by Lin, discrepancies between the different data formats are masked by recording navigation commands

that are not compatible with the read-only DVD format, as dummy data that is compatible with the read-only DVD format.

As such, all of the data written on the medium is only one type of data format, the read-only DVD format.

Lin states "[a] processing system, according to the invention, adaptively generates and processes-file structure and navigation data of different data format. The processing system also converts file structure and navigation data between different formats for decoding, recording and other applications. In a specific embodiment, a processing system encodes a video program into a generic data format (as exemplified in FIG. 1) that is compatible with recordable and read-only video processing devices." (See, Lin, Col. 3, lines 36-44, emphasis added.)

Mercer is cited to show other elements of the claims and as such, does not cure the deficiencies in Lin.

It is respectfully submitted that the apparatus of claim 26 is not anticipated or made obvious by the teachings of Lin in view of Mercer. For example, Lin in view of Mercer does not teach, disclose or suggest an "optical storage medium comprising: a plurality of content object files including a plurality of data types having a plurality of data formats for playback on a data

processing system appropriate for playback of at least one data format", as recited in claim 26. And, further, Lin in view of Mercer does not disclose or suggest, amongst other patentable elements, the optical storage medium comprises (illustrative emphasis added) a generic logic format that includes "at least two content object files, <u>wherein the data format of at least two of the content object files is different</u>" as recited in claim 26.

Lin merely shows recording of the different DVD formats into a generic data format (read-only DVD format).
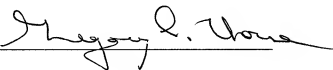
Based on the foregoing, the Applicants respectfully submit that independent claim 26 is patentable over Lin in view of Mercer and notice to this effect is earnestly solicited. Claims 27-30 respectively depend from claim 26 and accordingly are allowable for at least this reason as well as for the separately patentable elements contained in each of the claims. Accordingly, separate consideration of each of the dependent claims is respectfully requested.

In addition, Applicants deny any statement, position or averment of the Examiner that is not specifically addressed by the foregoing argument and response. Any rejections and/or points of argument not addressed would appear to be moot in view of the

presented remarks. However, the Applicants reserve the right to

submit further arguments in support of the above stated position,

should that become necessary. No arguments are waived and none of

the Examiner's statements are conceded.

Applicants have made a diligent and sincere effort to place

this application in condition for immediate allowance and notice to

this effect is earnestly solicited.

Respectfully submitted,

By

Gregory L. Thorne, Reg. 39,398
Attorney for Applicant(s)
January 15, 2010

THORNE & HALAJIAN, LLP
Applied Technology Center
111 West Main Street
Bay Shore, NY 11706
Tel: (631) 665-5139
Fax: (631) 665-5101